

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JIN ACKERMAN,

Plaintiff

Case No. 3:22-cv-00035-RCJ-CLB

**ORDER**

v.

HANF, *et al.*,

Defendants

**I. DISCUSSION**

On January 21, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. The Court notes that Plaintiff did submit a Financial Certificate and an inmate account statement for the previous six-month period at ECF No. 1-3, however, Plaintiff has not submitted pages 1 through 3 of this Court's application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
- (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete

1 application to proceed *in forma pauperis* containing all three of the required documents,  
 2 or in the alternative, pay the full \$402 filing fee for this action on or before **March 28,**  
 3 **2022**. Absent unusual circumstances, the Court will not grant any further extensions of  
 4 time.

5 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*  
 6 with all three required documents or pay the full \$402 filing fee on or before **March 28,**  
 7 **2022**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case  
 8 with the Court when Plaintiff is either able to acquire all three of the documents needed  
 9 to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing  
 10 fee.

11 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
 12 case with the Court, under a new case number, when Plaintiff has all three documents  
 13 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff  
 14 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
 15 full filing fee of \$402 on or before **March 28, 2022** to proceed with this case.

16 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court  
 17 will not file the complaint unless and until Plaintiff timely files a fully complete application  
 18 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

## 19 **II. CONCLUSION**

20 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send  
 21 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well  
 22 as the document entitled information and instructions for filing an *in forma pauperis*  
 23 application.

24 IT IS FURTHER ORDERED that on or before **March 28, 2022**, Plaintiff will either  
 25 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52  
 26 administrative fee) or file with the Court:

27 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this

28 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two

1 signatures on page 3),

2 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
3 official (i.e. page 4 of this Court's approved form), and

4 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
5 **previous six-month period.**

6 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
7 application to proceed *in forma pauperis* with all three documents or pay the full \$402  
8 filing fee for a civil action on or before **March 28, 2022**, this case will be subject to  
9 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case  
10 number, when Plaintiff has all three documents needed to file a complete application to  
11 proceed *in forma pauperis* or pays the full \$402 filing fee.

12 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
13 (ECF No.1-1) but will not file it at this time.

14 DATED: January 26, 2022

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17 UNITED STATES MAGISTRATE JUDGE  
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